

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JESSICA CROSS,

Plaintiff,

-vs-

5:08-CV-862

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Thomas J. McAvoy, D.J.

DECISION and ORDER

This matter was referred to the Hon. Victor E. Bianchini, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. In a Report-Recommendation dated May 24, 2010, Magistrate Judge Bianchini recommended that the decision of the Commissioner be affirmed. Plaintiff has filed objections.

When objections to a magistrate judge's Report-Recommendation are lodged, the Court reviews the record *de novo*. See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge]." Id. The Court may also "receive further evidence or recommit the matter to the magistrate judge

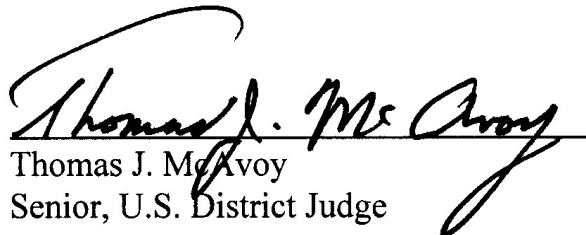
with instructions." Id. Thus, the Court reviews the instant matter *de novo*.

After reviewing the matter *de novo*, the Court agrees with the Report-Recommendation in its entirety. The decision of the ALJ was supported by substantial evidence, and the correct legal standard was applied.

Consequently, the Report-Recommendation is adopted in its entirety. Plaintiff's Complaint is dismissed. The Clerk is directed to close the file.

IT IS SO ORDERED.

Dated: June 10, 2010


Thomas J. McAvoy
Senior, U.S. District Judge